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INFORMATION CIRCULAR

To: Members of the staff at Headquarters

From: The Assistant Secretary-General for Human Resources Management

Subject: NEW REQUIREMENTS BY THE HOST COUNTRY FOR PERSONAL EMPLOYEES ON A G-5 VISA*

1. The purpose of this circular is to inform staff members serving at Headquarters of a note verbale from the United States Mission to the United Nations, dated 20 December 1996, advising the Secretariat of new requirements for the obtention of G-5 visas. The new requirements are effective 1 January 1997. The contents of the note verbale are set out in full in the annex to this circular.

2. The attention of the staff who have personal employees on a G-5 visa is drawn in particular to the following points:

(a) The new requirements apply to those G-5 visa applicants who have remained in the United States beyond the expiration of a period of authorized stay;

(b) Personal employees on G-5 visas who have overstayed the authorized period will not be eligible to be readmitted into the United States without first having obtained a new G-5 visa in their country of nationality;

(c) A limited number of exceptions have been made to the requirement that the G-5 visa should be obtained in the country of nationality, in particular:

(i) If a request for change of status to G-5 was filed on behalf of an employee prior to the expiration of a period of authorized stay, but not approved by the Immigration and Naturalization Service until after the period has expired, the employee ordinarily will not be required to apply in his or her country of nationality;

* Personnel Manual index No. 13022.

(ii) A G-5 visa applicant who has a current residence in a country other than that of his or her nationality or the United States will have the option to apply for his or her visa in that country;

(iii) G-5 visa applicants from a country where the United States currently does not have a visa issuing post may apply in certain countries designated by the Department of State as required to accept visa applications from nationals of the non-visa-issuing country.

3. Staff members having personal employees on G-5 visas are advised to study carefully the provisions of the annexed note verbale.

Annex

NOTE VERBALE DATED 20 DECEMBER 1996 FROM THE UNITED STATES MISSION TO THE UNITED NATIONS ADDRESSED TO PERMANENT MISSIONS, OBSERVER MISSIONS AND OFFICES AND THE SECRETARIAT

The United States Mission to the United Nations has the honour to refer to a recent amendment in the immigration laws of the United States which will affect the venue of visa application for certain G-5 visa applicants.

Effective 1 January 1997, persons seeking to be admitted as personal employees in the G-5 visa category who have overstayed a period of authorized non-immigrant stay in the United States will be subject to the visa issuance provisions of section 222(g) of the Immigration and Nationality Act, as amended on 30 September 1996. The visa on which they entered the United States and subsequently overstayed will be invalid and, except in the case of "extraordinary circumstances" as described below, they will not be eligible to be readmitted into the United States without first having obtained a visa in their country of nationality. This rule will apply to applications for G-5 visas, as well as for most other categories of non-immigrant visas. Once a visa has been issued in the country of nationality, it may be used by the holder for application for admission during the period of its validity and for the number of entries authorized.

The United States Mission wishes to inform the Permanent Missions, Observer Missions and Offices and the Secretariat of the United Nations that the requirement that those who have overstayed their visas apply for new visas in their country of nationality will not apply to requests for G-1, G-2, G-3 or G-4 visas. Rather, subject to all other existing laws, regulations or procedures, persons seeking such visas may apply at any United States Embassy or Consulate that issues non-immigrant visas.

Applicants for G-5 visas who are subject to section 222(g) as from 1 January 1997 may fall within a limited number of exceptions already made by the Department of State to the section 222(g) requirement. For example, if a request for change of status to G-5 was filed on behalf of an employee prior to the expiration of a period of authorized stay, but not approved by the Immigration and Naturalization Service until after the period had expired, the employee ordinarily will not be required to apply in his or her country of nationality. Further, a visa applicant subject to section 222(g) who has a current residence in a third country will have the option to apply for his or her visa in that country. In addition, applicants from countries where there currently exists no visa issuing post may apply in certain countries designated by the Department of State as required to accept visa applications from nationals of the non-visa-issuing country.

A G-5 visa applicant who wishes to seek an exception to section 222(g) based on extraordinary circumstances should do so at a United States Embassy or Consulate abroad. Circumstances which may qualify as "extraordinary" in nature ordinarily will be those relating primarily to severe hardship caused by the applicant's medical condition or other humanitarian concerns.

The provisions described above apply only to those G-5 visa applicants who have remained in the United States beyond the expiration of a period of authorized stay and who are therefore subject to section 222(g). Other G-5 visa applicants should continue to apply for visas in the normal manner.